

AMENDMENT UNDER 37 C.F.R. § 1.111 Examining Group 1625 Patent Application Docket No. TPIP039 Serial No. 10/820,382

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner

Celia C. Chang

Art Unit

1625

Applicants

Matthew Peterson, Mark Oliveira

Serial No.

10/820,382

Filed

April 8, 2004

Confirm. No.:

8458

For

Gabapentin Compositions

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.111

A Petition and fee for a one-month Extension of Time through and including August 28, 2005, accompanies this Amendment.

In response to the Office Action dated April 28, 2005, please amend the above-identified application as follows:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that under 37 CFR §1.10 that this correspondence is being deposited on AUJUST 23, 2005 with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kristin Miele

Jees cessed

13

compounds and compositions with any reasonable expectation of success. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 50-2626.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

. 2005

Transform Pharmaceuticals. Inc.

29 Hartwell Avenue Lexington, MA 02421

Telephone: (781) 674-7816 Facsimile: (781) 863-7208 Respectfully submitted,

Paul Burgess, Patent Agent

Reg. No. 53,852

Attachment: Davies publication (The Pharmaceutical Journal, 2001, 266:322-323)

United States Patent and Trademark Office
- Sales Receipt -

09/09/2005 CBETANCO 00000003 502626 10820382

01 FC:2201 400.00 DA 02 FC:2202 475.00 DA

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application	orDocket	Number

10 820382

TAL CLAIMS)	1	1	mn 2)	4	HIPE L		OR	SMALL	Chairri
			(Column 1)			1 1	TYPE			2425	
		<i>F</i> :	* . ! 			RATE	FEE	-	RATE	FEE	
٠ 		NUMBER FILED NUMB		ER EXTRA		BASIC FEE	385.00	OR	BASIC FEE	770.00	
TAL CHARGEA	ARGEABLE CLAIMS /minus 20=					X\$ 9=	9	OR	X\$18=		
NDEPENDENT CLAIMS -7 minus 3 = 4			7		X43=	172	OR	X86=			
MULTIPLE DEPENDENT CLAIM PRESENT						+145=		OR	+290=		
* If the difference in column 1 is less than zero, enter "0" in column 2						TOTAL	K66	OR	TOTAL		
CLAIMS AS AMENDED - PART II 8-23-0 (Column 1) (Column 2) (Column 3)						OTHER TH SMALL ENTITY OR SMALL EN					
	CLAIMS REMAINING AFTER AMENDMENT		HIGH NUMI PREVIO	EST BER OUSLY	PRESENT EXTRA		RATE	ADDI- TIONAL FEE		RATE	ADDI- TIONAL FEE
Total .	· 40	Minus	· 0	2/	- 19		· X\$-9=	475.0	OR	X\$18=	
Independent	· //	Minus	BENDENT	7 CLAMA	= 4		X43=	400 100	OR	X86=	
FIRST PRESE	NIAHON OF MI	DETIFICE DE	LINDLIN	ODAM			+145=	·	OR	+290=	
						_	TOTAL	875.00	OR	TOTAL ADDIT. FEE	
	(Column 1)		(Colun	nn 2)	(Column 3)						
	CLAIMS REMAINING AFTER AMENDMENT		NUM! PREVIC	BER	PRESENT EXTRA		RATE	ADDI- TIONAL FEE		RATE	ADDI- TIONAL FEE
Total	•	Minus	**	•	•		X\$ 9=.	:	OR	X\$18=	
Independent		Minus	***			Н	X43=		ΛP	X86=	
FIRST PRESE	NTATION OF ML	ILTIPLE DE	PENDENT	CLAIM		ŀ	+145=			+290=	
			•			L	TOTAL		OR	TOTAL	
	(Column 1)		(Colum	nn:21	(Column 3)		DDM. FEET			ADDII. FEEL	٠.
`	CLAIMS REMAINING AFTER AMENDMENT	·	HIGHI NUME PREVIO	EST BER BUSLY	PRESENT EXTRA		RATÉ	ADDI- TIONAL FEE		RATE	ADDI- TIONAL FEE
Total	•	Minus	**		•	lF	X\$ 9=		OR	X\$18=	, .
Independent	•	Minus	***		•]	X43=			X86=	
FIRȘT PRESE	NTATION OF MU	ILTIPLE DEI	PENDENT	CLAIM		1			OH		
							+145=		OR	+290=	
the "Highest Nut		IN THE	S SPACE &	less than	n 20, enter "20.	- A	TOTAL DDIT. FEE		OR	TOTAL ADDIT. FEE	
	Total Independent FIRST PRESE Total Independent FIRST PRESE Total Independent FIRST PRESE Total Independent	CLAIMS AS A CLAIMS AS A COlumn 1) CLAIMS REMAINING AFTER AMENDMENT Total (Column 1) CLAIMS REMAINING AFTER AMENDMENT Total (Column 1) CLAIMS REMAINING AFTER AMENDMENT Total Independent (Column 1) CLAIMS REMAINING AFTER AMENDMENT Total (Column 1) CLAIMS REMAINING AFTER AMENDMENT Total (Column 1) CLAIMS REMAINING AFTER AMENDMENT Total Independent FIRST PRESENTATION OF ML Total Independent Total Total	CLAIMS AS AMENDED CLAIMS AS AMENDED (Column 1) CLAIMS REMAINING AFTER AMENDMENT Total (Column 1) CLAIMS REMAINING AFTER AMENDMENT CLAIMS REMAINING AFTER AMENDMENT Total (Column 1) CLAIMS REMAINING AFTER AMENDMENT CLAIMS REMAINING AFTER AMENDMENT CLAIMS REMAINING AFTER AMENDMENT Total (Column 1) CLAIMS REMAINING AFTER AMENDMENT AM	CLAIMS AS AMENDED - PAR CLAIMS AS AMENDED - PAR (Column 1) (Colu	CLAIMS AS AMENDED - PART II CLAIMS AS AMENDED - PART II (Column 1) (Column 2) CLAIMS REMAINING HIGHEST NUMBER PREVIOUSLY PAID FOR Total	Total (Column 1) (Column 2) (Column 2) (Column 3) (Column 1) (Column 2) (Column 3) (Column 3) (Column 3) (Column 3) (Column 3) (Column 4) (Column 4) (Column 5) (Column 5) (Column 6) (Column 6) (Column 7) (Column 7) (Column 7) (Column 1) (Column 1) (Column 1) (Column 1) (Column 1) (Column 2) (Column 3) (Column 1) (Column 1) (Column 2) (Column 3) (Column 1) (Column 3) (Column 3) (Column 1) (Column 3) (Column 3) (Column 1) (Column 1) (Column 3) (Column 1) (Column 1) (Column 3) (Column 4) (Column 3) (Column 3) (Column 3) (Column 3) (Column 3) (Column 4) (Column 3) (Column 3) (Column 3) (Column 3) (Column 4) (Column 3) (Column 3) (Column 4) (Column 3) (Column 4) (Column 4) (Column 5) (Column 5) (Column 6) (Column 6) (Column 7) (Column 7) (Column 7) (Column 8) (Column 8) (Column 8) (Column 8) (Column 9) (Column 9)	Total (Column 1) (Column 2) (Column 3) (Column 3) (Column 4) (Column 2) (Column 3) (Column 5) (Column 5) (Column 6) (Column 6) (Column 6) (Column 7) (Column 7) (Column 7) (Column 8) (Column 1) (Column 8) (Column 9) (Column 9) (Column 1) (Column 9) (Column 9) (Column 9)	TIPLE DEPENDENT CLAIM PRESENT the difference in column 1 is less than zero, enter "0" in column 2 CLAIMS AS AMENDED - PART II (Column 1) (Column 2) (Column 3) CLAIMS REMAINING PREVIOUSLY EXTRA AMENDMENT PREVIOUSLY EXTRA PAID FOR EXTRA PAID FOR FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM COLUMN 1) (Column 2) (Column 3) CLAIMS REMAINING PREVIOUSLY PRESENT PREVIOUSLY EXTRA AMENDMENT PREVIOUSLY PRESENT PREVIOUSLY PAID FOR CLAIMS REMAINING PREVIOUSLY PRESENT PREVIOUSLY PAID FOR Total Minus PAID FOR Total Minus PAID FOR CLAIMS REMAINING PREVIOUSLY PRESENT PREVIOUSLY PAID FOR Total Minus PAID FOR CLAIMS REMAINING PREVIOUSLY PRESENT PREVIOUSLY PAID FOR TOTAL ADDIT FEE (COlumn 1) (Column 2) (Column 3) CLAIMS REMAINING PREVIOUSLY PRESENT PREVIOUSLY EXTRA PAID FOR CLAIMS REMAINING PREVIOUSLY EXTRA PAID FOR TOTAL ADDIT FEE TOTAL	TIPLE DEPENDENT CLAIM PRESENT the difference in column 1 is less than zero, enter "0" in column 2 CLAIMS AS AMENDED - PART II CLAIMS REMAINING AFTER PREVIOUSLY PAID FOR PA	TIPLE DEPENDENT CLAIM PRESENT The difference in column 1 is less than zero, enter "0" in column 2 CLAIMS AS AMENDED - PART II (Column 1) (Column 2) (Column 3) CLAIMS HIGHEST PRESENT PRESENT PRESENT PREVIOUSLY PAID FOR Independent // Minus	TIPLE DEPENDENT CLAIM PRESENT The difference in column 1 is less than zero, enter "0" in column 2 CLAIMS AS AMENDED - PART II CLAIMS AS AMENDED - PART II (Column 1) (Column 2) (Column 3) REMAINING NUMBER PRESENT PREVIOUSLY PAID FOR SMALL ENTITY OR